

**CIVIL NO.: 5:10CV173-RLV**

**v.**

## Memorandum and Order

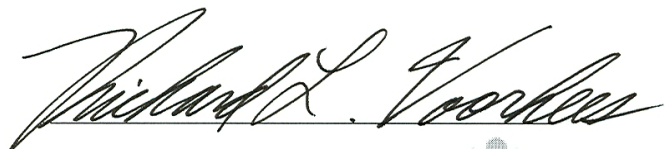
Because neither party filed specific objections, *de novo* review is not required. See Diamond v. Colonial Life, 416 F.3d 310, 315-16 (4<sup>th</sup> Cir.2005) (litigant's failure to object to Memorandum and Recommendation constitutes a waiver of the right to *de novo* review by the

district court). However, after a careful review of the Magistrate Judge's Memorandum & Recommendation, the Court finds that his findings of fact are supported by the record and his conclusions of law are consistent with and well supported by current case law. *See Orpiano v. Johnson*, 687 F.2d 44, 47 (4<sup>th</sup> Cir. 1982) (holding that only a careful review is required in considering a memorandum and recommendation absent specific objections.) Accordingly, the Court hereby accepts the Memorandum & Recommendation of the Magistrate Judge and adopts it as the final decision of this Court for all purposes relating to this case.

**IT IS, THEREFORE, ORDERED** that Defendants' Motion to Compel Arbitration and Stay Litigation is hereby **GRANTED**. (Document #16) Accordingly, this matter shall be **STAYED** pending the parties' submission of their dispute to binding arbitration pursuant to the provisions of the Arbitration Provision, as modified by the parties, concerning arbitrating by AAA rules but not before the AAA. The parties shall report to the Court within thirty (30) days of issuance of an arbitration award or other resolution.

**IT IS FURTHER ORDERED** that Defendants' Alternative Motion to Dismiss Plaintiffs' Amended Complaint is **DENIED**. (Document #16) Defendants' original Motion to Dismiss, filed November 18, 2010 (Document #4), is rendered **MOOT** by Plaintiffs' Amended Complaint, filed December 23, 2010.<sup>1</sup> (Document #8)

Signed: May 23, 2011



Richard L. Voorhees  
United States District Judge



---

<sup>1</sup> The Deputy Clerk is likewise directed to term the November 18, 2010 Motion.